

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

KEVIN WINDISCH,

Plaintiff,

vs.

HOMETOWN HEALTH PLAN, INC. et al.,

Defendants.

3:08-cv-00664-RCJ-RAM

**ORDER**

This is a class action by a doctor against healthcare companies arising out of allegedly improper reimbursement practices. Plaintiff has filed a motion for class certification, and the motion has been completely briefed and set for hearing. In the meantime, the Supreme Court has clarified the commonality requirement under Rule 23(a)(2), *see Wal-Mart Stores, Inc. v. Dukes*, No. 10-277, 2011 WL 2437013, at \*7–12 (2011), as well as the standards for combining individual and class-wide relief under Rule 23(b), *see id.* at \*12–15.

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1 **CONCLUSION**

2 IT IS HEREBY ORDERED that within twenty-one (21) days of the date of this order the  
3 parties may submit supplemental briefs addressing the *Dukes* case, not to exceed twenty (20)  
4 pages. No responses are permitted, but the parties may attach additional exhibits if relevant to  
5 the Rule 23 analysis under *Dukes*.

6 IT IS FURTHER ORDERED that the oral argument set for July 18, 2011 is VACATED,  
7 and the parties shall arrange with the Deputy Clerk to set oral argument at a mutually agreeable  
8 time, but no earlier than August 19, 2011.

9 IT IS SO ORDERED.

10 Dated this 27<sup>th</sup> day of June, 2011.

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12 ROBERT C. JONES  
13 United States District Judge  
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